

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018-____-T

IN RE:	Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Household Goods Carriers For Failure to Pay Annual Assessment Fee))))))	PETITION FOR REVOCATION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF CERTAIN HOUSEHOLD GOODS CARRIERS
--------	---	----------------------------	--

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission"):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. § 58-23-10 *et seq.* (2015); that ORS is charged with the duty to represent the public interest pursuant to S.C. Code Ann. § 58-4-10 (2015).
2. That the carriers listed in Exhibit A have been approved by the Commission and certified by ORS to operate as class "E" household goods carriers as provided in S.C. Code Ann. §§ 58-23-260 and 58-23-590 (2015) and 10 S.C. Code Ann. Regs. 103-114 (2012).
3. That the carriers listed in Exhibit A, each having applied for and receiving an Order from the Commission authorizing a Certificate of Public Convenience and Necessity ("PC&N") to operate as class "E" Motor Carriers under the provisions of S.C. Code Ann. § 58-23-260 (2015), have submitted to the jurisdiction of the Commission by holding said certificate of PC&N, and are therefore subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-23-1010 (2015). See Exhibit A, Carriers Out of Compliance for Failure to Pay Annual Assessment Fees.

4. That the carriers listed in Exhibit A, prior to receiving their certificates of PC&N, were each found to be fit, willing and able to operate as class “E” motor carriers by the Commission; that in obtaining such authority the carriers certified in signing their Application filed with the Commission that they were familiar, and would comply, with the provisions of S.C. Code Ann. §58-23-10, *et seq.* (2015), S.C. Code Ann. Regs. 103-100 through 103-241 (2012), and 2 S.C. Code Ann. Regs. 38-400 through 38-503 (2012).

5. That as provided in S.C. Code Ann. §58-3-100 (2015), the South Carolina Department of Revenue (“DOR”) must assess each household goods carrier “its proportion of the expenses in proportion to its gross income from operations in this State in the year ending on the thirtieth day of June preceding that on which the assessment is made which is due and payable on or before July fifteenth”.

6. That the 2013 through 2017 annual assessment fees for all certified household goods carriers were calculated by ORS based on each carrier’s gross income from regulated moves conducted in South Carolina through June 30th each year and certified to DOR before May 1st of the following year, in accordance with the provisions of S.C. Code Ann. §§58-3-100 and 58-4-60(B) (2015). DOR subsequently mailed annual assessments in 2013, 2014, 2015, 2016 and 2017 to each certified household goods carrier prior to July 1st of each year. As provided under S.C. Code Ann. §58-3-100 and §58-23-600 the payment of these annual assessment fees was due and payable to DOR by each of the carriers listed in Exhibit A on July 15th in the year when the assessment was issued, based on each carriers’ gross revenue from regulated moves conducted in the prior fiscal year.

7. That the carriers listed in Exhibit A failed to make payment of their annual assessment fee for one or more of the following years: 2013, 2014, 2015, 2016 and 2017 as required by law. See, S.C. Code Ann. § 58-23-600 and S.C. Code Ann, §58-3-100 (2015). DOR notified ORS via its March 2018 Receivables Report forwarded to ORS on or About March 1, 2018 that the carriers had not made payment of their Annual Assessment Fees and, to ORS’ knowledge, none of the carriers listed have made such payment as of the date of the filing of this Petition. See Exhibit B, Affidavit of Thomas H. Allen

8. That DOR has notified the companies listed in Exhibit A of their failure to make payment to DOR of their assessment fees for one or more of the following years: 2013, 2014, 2015, 2016, and 2017; that despite this notification, the listed carriers have continued to fail to comply with the requirement that they make payment to DOR of their past due annual assessment fee(s).

9. That “[t]he commission may, after a hearing, order the suspension, revocation, alteration or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate...willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the commissions proper orders, rules, or regulations....” S.C. Code Ann. §58-23-320 (2015).

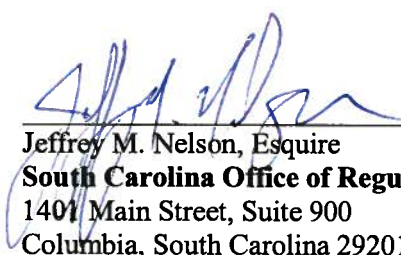
10. That “[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria....” 10 S.C. Code Ann. Regs. 103-240 (2012).

11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Failure to Pay Annual Assessment Fee. See Exhibit B, Affidavit of Thomas H. Allen.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Provide an opportunity for the carriers listed in Exhibit A to respond to the allegations of this Petition within (30) days from the date of receipt of this Petition;

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit A, which ORS seeks to have revoked by the Commission in this action pursuant to S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015);
3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015) and thereafter immediately enter a final Order; and,
4. For other appropriate action which the Commission may deem necessary.



Jeffrey M. Nelson, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: (803)737-0800
Fax: (803)737-0895
Email: jnelson@regstaff.sc.gov

April 20, 2018
Columbia, South Carolina

Exhibit A

Docket No. 2018-

-T

Carriers Out of Compliance for Failure to Pay Annual Assessment Fee

April 20, 2018

#	Company Name	DBA	Address	City	State	Zip	Docket #	Order #	Secretary of State Standing	Tax Amt '13	Tax Amt '14	Tax Amt '15	Tax Amt '16	Tax Amt '17	Total Tax Amt
1	American Safety Movers, Inc.		216 Druid St	Jacksonville	FL	32254	2014-225-T	2014-543	Good					2150.15	2150.15
2	Blue Chip Moving Company, LLC		3000 Pine Shadow Trail	Columbia	SC	29210	2009-441-T	2010-236	Good					156.77	156.77
3	DeHaven's Transfer & Storage of Charlotte, Inc.		PO Box 3004	Durham	NC	27705	2009-196-T	2010-432	Good					170.72	170.72
4	Graebel Moving Services		121 McDougall Ct	Greenville	SC	29607	1986-321-T	1986-1086	Good					1651.83	1651.83
5	Island Moving Professionals, LLC		318 Hibben St	Mt. Pleasant	SC	29464	1997-439-T	1998-285	Good					241.12	241.12
6	Midlands Specialty Services, Inc.		7575 Irmo Dr	Columbia	SC	29212	2001-501-T	2002-259	Good					396.43	396.43
7	The Blu Line Group, Inc.	Movers and Groovers	1064 Gardner Rd Ste 101	Charleston	SC	29407	2007-226-T	2007-728	Good	6102.62	5075.76	4834.33	5257.54	4162.6	25432.85

EXHIBIT B

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018- -T

April 20, 2018

IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Household Goods Carriers For Failure to Pay Annual Assessment Fee))))	AFFIDAVIT OF THOMAS H. ALLEN
---	------------------	---

The Affiant, after having been first duly sworn, deposes and states as follows:

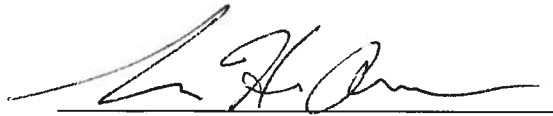
1. I, Thomas H. Allen, am employed by the South Carolina Office of Regulatory Staff ("ORS") as the Director of Safety, Transportation & Emergency Response.
2. My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina 29201.
3. My duties and responsibilities as the Director of Safety, Transportation & Emergency Response include managing and overseeing the daily operations of the Transportation Department, ensuring that the rules and regulations of the Public Service Commission of South Carolina ("Commission") are followed by regulated motor carriers and prospective motor carriers operating for hire as well as serving as the records custodian for business filings associated with motor vehicle carriers subject to the jurisdiction of the Commission.
4. It is the regular business practice of ORS to enforce relevant statutes and regulations to motor vehicle carriers providing transportation for hire for compensation along the public highways in South Carolina.

EXHIBIT B

5. As a result of my duties and responsibilities, I have knowledge of the manner in which the ORS books and records pertaining to regulated motor carriers are kept and of any books or records which are not complete, or which are not on file with ORS.
6. On March 15, 2018 I examined the Department of Revenue ("DOR") Outstanding Receivables Report which was provided to ORS on or about March 1, 2018. The DOR Outstanding Receivables reports are provided to ORS by DOR monthly as a means of providing ORS with a list of those regulated household goods carriers which are delinquent in their payment of Annual Gross Receipts Assessment owed under the provisions of S.C. Code Ann. §58-3-100 (2015). The Outstanding Receivables Report contains a by year list of those household goods carriers which have outstanding gross receipts assessments and the amount of such unpaid assessments.
7. As a result of that examination, I attest that to ORS' knowledge the DOR Outstanding Receivables Report accurately lists those household goods carriers which have failed to comply with the provisions of S.C. Code Ann. § 58-23- 600 and S.C. Code Ann. § 58-3-100 (2015) in that they have failed to pay their Annual Gross Receipts Assessment(s) as of April 13, 2018. Exhibit A attached hereto lists the non-compliant household goods carriers and the year and amount of their unpaid Annual Gross Receipts Assessment and was prepared by me from the information provided in the DOR Outstanding Receivables Report.
8. I attest that to the best of my knowledge, the list of delinquent household goods carriers and unpaid assessments provided ORS by DOR and the information listed in Exhibit A are accurate.

EXHIBIT B

AND FURTHER THE AFFIANT SAYETH NOT.



Thomas H. Allen
Director, Safety, Transportation & Emergency Response
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 20th day of April, 20 18



Notary Public for South Carolina

My Commission Expires: 4/11/2027

Pamela J McMullan